

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 JOHN R. WHITTINGTON,

4 Petitioner,

v.

5 BRIAN WILLIAMS SR., et al.,

6 Respondents.

Case No. 2:20-cv-00761-APG-VCF

ORDER

(ECF No. 1)

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8
9 Petitioner John R. Whittington, has filed an Application to Proceed *In Forma Pauperis*.
10 ECF No. 1. Under 28 U.S.C. § 1914(a) and the Judicial Conference Schedule of Fees, a \$5.00
11 filing fee is required to initiate a habeas action in a federal district court. A federal district court
12 may authorize a person to begin an action without prepaying fees and costs if the person submits
13 an IFP application on the approved form along with the appropriate supporting documentation.
14 28 U.S.C. § 1915(a); LSR 1-1, LSR 1-2.

15 Although Whittington submitted the required form, the supporting documents show he is
16 able to pay the \$5.00 filing fee. Thus, he does not qualify for a fee waiver. I therefore deny his
17 IFP application. Whittington has 45 days from the date of this order to pay the filing fee.

18 I THEREFORE ORDER as follows:

- 19 1. Petitioner John R. Whittington's Application to Proceed *In Forma Pauperis* (ECF
20 No. 1) is **DENIED**.
21 2. The initial screening of Whittington's petition for writ of habeas corpus under the Rules
22 Governing Section 2254 Cases is deferred to until he has fully complied with this order.
23 3. Whittington must pay the \$5.00 filing fee within 45 days of the date of this order.

1 4. The Clerk of Court is instructed to **MAIL** Whittington *two* copies of this order.

2 Whittington must make the necessary arrangements to have a copy of this order

3 attached to the check for the filing fee.

4 Failure to timely comply with this order will result in the dismissal of this action without
5 further advance notice.

6 Dated: May 1, 2020.



7 ANDREW P. GORDON
8 UNITED STATES DISTRICT JUDGE
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